

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2012-165544-002 SE

06/11/2014

COMMISSIONER JERRY BERNSTEIN

CLERK OF THE COURT
M. Hovorka
Deputy

STATE OF ARIZONA

MITCHELL S EISENBERG

v.

STEVEN KYLE DULEY (002)

GLENN ALLEN

INITIAL PRETRIAL CONFERENCE - DUI CENTER

9:12 a.m.

Courtroom 902 - Central Court Building

State's Attorney:	Humberto Preciado III on behalf of Mitchell S. Eisenberg
Defendant's Attorney:	Glenn Allen
Defendant:	Present

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The Court has conducted an initial pretrial conference (IPTC) this date.

Based upon the avowals made to the Court by the parties, the Court finds/orders as follows:

The State has complied with all discovery.

The Defense has complied with all discovery.

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The State has offered a plea agreement to resolve this matter. This plea offer expires on 07/14/2014.

IT IS ORDERED setting a Comprehensive Pretrial Conference for 07/14/2014 at 8:30 a.m. before Commissioner Kaiser located in Courtroom 804 in the Central Court Building (due to judicial rotations).

COMPREHENSIVE PRETRIAL CONFERENCE:

IT IS ORDERED that the attorneys for both the State and Defense be prepared to provide the court with the following information at the Comprehensive Pretrial Conference (CPTC):

A. The status of plea negotiations. This includes whether or not the State has tendered an offer; if so, when it expires; the results of the settlement conference; and whether or not a Donald advisement is required.

B. The status of disclosure by both the State and Defense. This includes what discovery has been disclosed and what discovery still needs to be disclosed. If any discovery is left undisclosed, it is required that all parties comply with Rule 15.6 and provide appropriate affidavits.

C. The number of days required for trial.

D. The number of witnesses to be used at trial, including any out of town witnesses. And the number of expert witnesses to be used at trial.

E. The status of interviews. This includes how many interviews have been conducted and how many are left to complete. This includes whether or not any depositions are going to be required. If depositions are required, it is ordered that the party file a motion requesting same no later than two days before the CPTC date.

F. Whether or not an interpreter is going to be required for either a witness or the defendant or both.

G. The number of jurors required for trial along with the recommended number of alternates.

H. Whether or not the State is requesting an aggravating factors trial to the jury.

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- I. Any special jury instructions.
- J. Whether or not either party is requesting a lesser-included offense.
- K. Whether or not there are any anticipated substantive motions to be filed by either party.
- L. Whether or not there are any motions in limine anticipated.

A Final Trial Management Conference is set for 08/20/2014 at 8:30 a.m. before Commissioner Kaiser located in Courtroom 804 in the Central Court Building (due to judicial rotations).

Jury Trial is set for 08/27/2014 at 10:00 a.m. before Commissioner Kaiser located in Courtroom 804 in the Central Court Building (due to judicial rotations).

Last Day: 09/27/2014 (0 DAYS EXCLUDED)

A DEFENDANT'S FAILURE TO APPEAR AT THE FINAL TRIAL MANAGEMENT CONFERENCE OR THE TRIAL MAY RESULT IN A BENCH WARRANT BEING ISSUED FOR HIS OR HER ARREST AND THE FTMC AND TRIAL BEING CONDUCTED IN THE DEFENDANT'S ABSENCE.

THE TRIAL DATE SHALL NOT BE CONTINUED UNLESS A WRITTEN MOTION TO CONTINUE IS FILED AT LEAST 5 DAYS BEFORE THE TRIAL. A CONTINUANCE WILL NOT BE GRANTED UNLESS THE MOTION SHOWS THAT EXTRAORDINARY CIRCUMSTANCES EXIST. (Rule 8.5, Rules of Criminal Procedure and guidelines thereto.)

FINAL TRIAL MANAGEMENT CONFERENCE

The purpose of the Final Trial Management Conference (FTMC) is (1) to complete final preparations for trial, and (2) to resolve pending pretrial issues, including possible settlement of the case.

IT IS ORDERED THAT COUNSEL WHO WILL TRY THE CASE AND THE DEFENDANT(S) SHALL PERSONALLY ATTEND THE CONFERENCE. VICTIMS SHALL BE NOTIFIED OF THE CONFERENCE.

JOINT PRETRIAL STATEMENT

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Counsel shall meet and confer prior to the FTMC and jointly prepare a Joint Pretrial Statement (JPTS) using the approved form. The JPTS form is to be provided to the trial Judge prior to the FTMC.

IT IS FURTHER ORDERED affirming prior custody orders.

9:14 a.m. Matter concludes.

NOTICE: IF AN INTERPRETER IS NEEDED FOR A VICTIM OR A WITNESS FOR ANY HEARING, IT IS THE RESPONSIBILITY OF COUNSEL TO NOTIFY THE COURT BEFORE WHICH THE HEARING IS SCHEDULED 48 HOURS IN ADVANCE OF THE HEARING. (TEN BUSINESS DAYS FOR ANY LANGUAGE OTHER THAN SPANISH).